

**SAN ANTONIO ZONING COMMISSION
OFFICIAL MINUTES
April 21, 2009**

1. The Zoning Commission of the City of San Antonio met in the 1st Floor, Board Room of the Cliff Morton Development and Business Services Center at 1901 S. Alamo.

1:00 PM – Public Hearing

2. Roll Call.

PRESENT: Gadberry, McFarland, J. Valadez, Westheimer, Hawkins, Myers, Wright,
Martinez, R. Valadez, Gray

ABSENT: Sherrill

Chairman Gadberry stated Zoning Case No. Z2008194 S has been postponed as per the applicant's request.

3. Approval of April 7, 2009 Zoning Commission Minutes.

COMBINED HEARING:

Commissioner Martinez made a motion to approve the following rezoning cases with conditions and amendments as staff has recommended. Additionally, no citizens have signed to speak in opposition on the said cases: items 10 and 13. The motion was seconded by Commissioner Myers.

4. **ZONING CASE NUMBER Z2009055 CD (Council District 1):** A request for a change in zoning from "R-4" Residential Single-Family District to "RD CD" Rural Development with a Conditional Use for a Dog Training Facility-Outdoor Permitted on Lot 1, Block 1, NCB 11692, 1503 Allena Drive. Staff recommends approval pending Plan Amendment.

Larry Tuttle, representing Guide Dogs of Texas, spoke in favor.

Mariana Orneles, Chair of Greater Dellview Area Community Plan, spoke in favor.

Staff stated there were 45 notices mailed out to the surrounding property owners, 1 returned in opposition and 5 returned in favor and North Central Neighborhood Association is in favor. Staff mailed 31 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Martinez and seconded by Commissioner Myers to recommend approval.

AYES: Gadberry, McFarland, J. Valadez, Hawkins, Myers, Martinez, R. Valadez, Gray
NAY: None
ABSTAIN: Westheimer

THE MOTION CARRIED

5. ZONING CASE NUMBER Z2009074 (Council District 5): A request for a change in zoning from "MF-33" Multi-Family District and "I-1" General Industrial District to "C-1" Light Commercial District on the north irregular 537.9 feet of Lot 16, Block 4, NCB 8324, 5317 West Commerce. Staff recommends approval.

Staff stated there were 71 notices mailed out to the surrounding property owners, 4 returned in opposition and 3 returned in favor and Memorial Heights Neighborhood Association is in favor.

COMMISSION ACTION

The motion was made by Commissioner Martinez and seconded by Commissioner Myers to recommend approval.

AYES: Gadberry, McFarland, J. Valadez, Hawkins, Myers, Martinez, R. Valadez, Gray
NAY: None
ABSTAIN: Westheimer

THE MOTION CARRIED

INDIVIDUAL CONSIDERATION:

6. ZONING CASE NUMBER Z2009033 S ERZD (Council District 8): A request for a change in zoning from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "C-3 ERZD S" General Commercial Edwards Recharge Zone District with a Specific Use Authorization to allow a Pay Day Loan Agency on 0.0565 of an acre out of Lot 9, NCB 14857, 5238 De Zavala Road. Staff recommends approval.

Rob Jacknewitz, representative, stated the purpose of this request is to allow for a check cashing facility on the subject property.

Staff stated there were 6 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and Northside Neighborhoods for Organized Development is in opposition.

COMMISSION ACTION

The motion was made by Commissioner R. Valadez and seconded by Commissioner Gray to recommend approval.

AYES: Gadberry, McFarland, J. Valadez, Westheimer, Myers, Martinez, R. Valadez, Gray
NAY: None
ABSTAIN: Hawkins

THE MOTION CARRIED

7. ZONING CASE NUMBER Z2009041 ERZD (Council District 10): A request for a change in zoning from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on Parcel-1A, NCB 17725, 3520 North Loop 1604 East. Staff recommends approval.

James Griffin, representative, stated the purpose of this request is to allow for mixed use development and to bring current Real Estate Office into compliance.

Staff stated there were 11 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner McFarland and seconded by Commissioner R. Valadez to recommend approval with SAWS recommendations.

AYES: Gadberry, McFarland, J. Valadez, Westheimer, Hawkins, Myers, Martinez, R. Valadez, Gray
NAY: None

THE MOTION CARRIED

8. ZONING CASE NUMBER Z2009043 ERZD (Council District 8): A request for a change in zoning from "R-6 ERZD GC-1 MLOD" Residential Single-Family Edwards Recharge Zone Hill Country Gateway Corridor Military Lighting Overlay District to "C-3 ERZD GC-1 MLOD" General Commercial Edwards Recharge Zone Hill Country Gateway Corridor Military Lighting Overlay District on 6.045 of an acre out of NCB 14859 and NCB 14864, 16206, 15819, & 16303 Old Fredericksburg Road. Staff recommends approval.

Lucy Peveto, representative, stated the purpose of this request is to allow for mixed use development.

Staff stated there were 13 notices mailed out to the surrounding property owners, 0 returned in opposition and 4 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner R. Valadez and seconded by Commissioner Gray to recommend approval with SAWS recommendations.

AYES: Gadberry, McFarland, J. Valadez, Westheimer, Hawkins, Myers, Martinez, R. Valadez, Gray

NAY: None

THE MOTION CARRIED

9. ZONING CASE NUMBER Z2009072 S (Council District 10): A request for a change in zoning from "MF-33" Multi-Family District to "R-6 S" Residential Single-Family District with a Specific Use Authorization for Licensed Child Care on Lot 13, Block 17, NCB 16410, 15043 Kamary Lane. Staff recommends approval.

Commissioner Wright arrived at 1:31.

Laura Price, owner, stated the purpose of this request is to allow for a childcare facility on the subject property. She stated she has visited with her surrounding neighbors who have expressed support of this request.

The following citizen(s) appeared to speak:

Dan Norris, spoke in favor.

Christine Russ-Musin, spoke in favor.

Kelly Anderson, spoke in favor.

James Davis, spoke in favor.

Carmen Totoris, spoke in favor.

Staff stated there were 32 notices mailed out to the surrounding property owners, 3 returned in opposition and 18 returned in favor and no response from Spring Creek Neighborhood Alliance.

COMMISSION ACTION

The motion was made by Commissioner McFarland and seconded by Commissioner Wright to recommend approval with the following conditions:

- (a) All childcare facilities shall have a current license issued by the Texas Department of Human Resources.
- (b) Childcare facilities shall comply with the following conditions when allowed in residential zoning districts:
 - (1) Outdoor play space shall not be permitted within the front yard area.
 - (2) No signs shall be permitted except for a name plate not exceeding one (1) square foot in size and attached flat to the main structure.

- (c) The outdoor play space for childcare facilities which abut or are located within a residential zoning district shall be enclosed by a six-foot tall solid (opaque) fence.
- (d) The provision of a childcare facility in a single-family home, which may be permitted by a specific use authorization shall require that the owner of the property in question occupy as their primary residence the home providing said day care services.
- (e) Hours of operation shall be limited to 7:00 am to 6:00 pm, Monday thru Friday, closed Saturday and Sunday.

AYES: Gadberry, McFarland, Westheimer, Myers, Wright, R. Valadez, Gray

NAY: J. Valadez, Hawkins

THE MOTION CARRIED

10. ZONING CASE NUMBER Z2009073 S (Council District 6): A request for a change in zoning from "C-3" General Commercial District to "C-3 S" General Commercial District with a Specific Use Authorization to allow a cabinet shop on Lots 14 and 15, Block 12, NCB 16522, 6402 and 6406 Tahoka Boulevard. Staff recommends denial.

Bill Lowry, representative, stated the purpose of this request is to allow for a cabinet shop on the subject property.

Staff stated there were 27 notices mailed out to the surrounding property owners, 3 returned in opposition, 4 returned in favor and Cable-Westwood Neighborhood Association is in opposition.

COMMISSION ACTION

The motion was made by Commissioner Martinez and seconded by Commissioner Myers to recommend approval "C-3NA S" with the following conditions:

- a. Hours of operation would be Monday thru Friday from 7:00 am to 7:00 pm and on Saturday from 8:00 am to 5:00 pm.
- b. Directional lighting.
- c. Dumpster shall be screen.
- d. Fencing between 6410 Tahoka Boulevard and 6406 Tahoka Boulevard shall erect a 6-foot solid screen fence.
- e. No outside storage

AYES: Gadberry, McFarland, J. Valadez, Westheimer, Hawkins, Myers, Wright, Martinez, Gray

NAY: None

ABSTAIN: R. Valadez

THE MOTION CARRIED

11. ZONING CASE NUMBER Z2009078 S (Council District 2): A request for a change in zoning from "I-1" General Industrial District to "I-1 S" General Industrial District with a Specific Use Authorization for Millwork and Wood Products Manufacturing on A-3, Lot 1 thru 12, A-27, NCB 7057 (4.8341 acres), 51 Essex Street. Staff recommends approval with the following conditions:

- a. Hours of operation shall be limited to 8:00 a. m. to 6:00 p. m., Monday thru Friday.
- b. Primary ingress/egress to the site shall be from Essex Street. There shall be no commercial access from South Cherry Street. Access from South Cherry Street shall be only from non-commercial and emergency vehicles.
- c. An 8-foot solid screen fence shall be maintained along South Cherry Street and Essex Street.
- d. Outside storage of materials shall be limited to 10 feet.

Phil Garay, representative, stated the purpose of this request is to allow for a pallet manufacturing facility on the subject property. He stated he would like to meet with staff prior to going before City Council to amend staff's conditions. He would like to request the hours of operation be from 7:00 am to 7:00 p.m. and the ingress/egress on South Cherry Street be lifted as there is only one ingress/egress. In addition, the 8-foot solid screen fence, he would like to maintain the existing cyclone fence for security purposes and stacking of material to not exceed 20 feet with the condition that adequate space for emergency vehicles.

The following citizen(s) appeared to speak:

Edgar Lozano, owner, he has been working the City officials to address any and all building code violations. He stated as stated by Mr. Garay, his representative, they meet with staff to possibly amend the conditions prior to City Council.

Sylvia Cortez, Chief Building Inspector, stated she has visited the subject property and has been working with Mr. Lozano to correct all violations.

Staff stated there were 34 notices mailed out to the surrounding property owners, 0 returned in opposition and 19 returned in favor. Staff mailed 26 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Hawkins and seconded by Commissioner Wright to recommend approval with the following conditions:

- a. Hours of operation shall be limited to 8:00 a. m. to 6:00 p. m., Monday thru Friday.
- b. Primary ingress/egress to the site shall be from Essex Street. There shall be no commercial access from South Cherry Street. Access from South Cherry Street shall be only from non-commercial and emergency vehicles.
- c. An 8-foot solid screen fence shall be maintained along South Cherry Street and Essex Street.
- d. Outside storage of materials shall be limited to 10 feet.

Commissioner Gray asked if a friendly amendment to the hours of operation from 7:00 a. m. to 7:00 p. m. rather than 8:00 a. m. to 6:00 p. m.

Commissioner Hawkins accepted the friendly amendment. Commissioner Wright stated she is supports the amendment of 7:00 am to 7:00 pm.

Commissioner Hawkins stated hours of operation would be from 7:00 am to 7:00 pm, Monday thru Friday along with the 3 other conditions as stated by staff.

AYES: Gadberry, McFarland, J. Valadez, Westheimer, Hawkins, Myers, Wright, Martinez, R. Valadez, Gray

NAY: None

THE MOTION CARRIED

12. ZONING CASE NUMBER Z2009079 CD (Council District 1): A request for a change in zoning from "H MF-33" Multi-Family Olmos Park Terrace Historic District to "H C-1 CD" Light Commercial Olmos Park Terrace Historic District with a Conditional Use for auto sales on Lots 105, 106 and the east 20 feet of 107, Block 2, NCB 9004, 297 Lovera Boulevard. Staff recommends denial.

Bertha Ordas, owner, stated the purpose of this request is to allow for an auto sales facility on the subject property.

The following citizen(s) appeared to speak:

Kay Hinds, spoke in opposition.

Christine Drennon, spoke in opposition.

Betty Eckhert, spoke in opposition.

Paul Rodriguez, spoke in opposition.

Staff stated there were 30 notices mailed out to the surrounding property owners, 5 returned in opposition and 2 returned in favor and Olmos Park Terrace and Northmoor Neighborhood Associations are in opposition. Staff mailed 64 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Westheimer and seconded by Commissioner R. Valadez to recommend denial.

AYES: Gadberry, McFarland, J. Valadez, Westheimer, Hawkins, Myers, Wright, Martinez, R. Valadez, Gray

NAY: None

THE MOTION CARRIED

13. ZONING CASE NUMBER Z2009080 (Council District 4): A request for a change in zoning from "R-6" Residential Single Family District, "MF-33" Multi-Family District and "C-1" Light Commercial District to "MF-50" Multi-Family District (32.439 acres) and "C-3" General Commercial District (13.821 acres) on 46.26 acres out of NCB 17189 and CB 4307, 4917 and 4949 Ravenswood Drive and 9334 Ray Ellison Boulevard. Staff recommends approval.

Patrick Christensen, representative, stated the purpose of this request is to allow for redevelopment of an existing multi-family retirement community and health care facility on the subject property.

The following citizen(s) appeared to speak:

Edward Roberson, representing Lackland Air Force Base, spoke in favor.

Staff stated there were 139 notices mailed out to the surrounding property owners, 1 returned in opposition and 7 returned in favor and no response from Valley Hi North Neighborhood Association and People Active in Community Effort.

Commissioner Myers stated he received a call from People Active in Community Efforts expressing their support.

COMMISSION ACTION

The motion was made by Commissioner Myers and seconded by Commissioner Martinez to recommend approval.

AYES: Gadberry, McFarland, J. Valadez, Hawkins, Myers, Wright, Martinez, Gray

NAY: None

ABSTAIN: Westheimer

THE MOTION CARRIED

Commission went into Executive Session at 2:50 p. m.

14. ZONING CASE NUMBER Z2009082 (Council District 2): A request for a change in zoning from "R-6" Residential Single-Family District to "C-3" General Commercial District on 6.497 acres out of Block 33, NCB 18273, 6150 Rigsby Avenue. Staff recommends denial.

(Spoke for Z2009082, Z2009083 and Z2009084)

Harry Jewett, representative, the purpose of this zoning request is to allow for commercial development on the subject properties.

Habib Erkan, attorney representing property owner, stated this property was annexed in 2001 and upon annexation the subject properties were zoned Temporary "R-1" as per the Unified Development Code.

The following citizen(s) appeared to speak (Spoke for Z2009082, Z2009083 and Z2009084):

Dan Martinez, Chairman of Eastern Triangle Planning Team, spoke in opposition. He stated their Master Plan would be presented to Planning Commission tomorrow, April 22, 2009 for consideration. He expressed concerns with the negative impact this would have on their neighborhood.

Vivian Olivarez, spoke in opposition. She stated their intent is to preserve and maintain their residential neighborhood. The proposed zoning request would have a negative impact on their community.

Mary Kopecki, spoke in opposition. She stated Hein Orchard Neighborhood Association has also expressed their opposition to the proposed zoning change.

Mary Coleman, (Mrs. Coleman waived her time to Mrs. Olivares), read letters of opposition into the record from Comanche Community Neighborhood Association, Dellcrest Area Neighborhood Association and Dellcrest Forest Neighborhood Association.

Staff stated there were 39 notices mailed out to the surrounding property owners, 0 returned in opposition and 5 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner Hawkins and seconded by Commissioner Gray to recommend denial.

AYES: Gadberry, McFarland, J. Valadez, Westheimer, Hawkins, Wright, Martinez, Gray
NAY: None

THE MOTION CARRIED

ZONING CASE NUMBER Z2009083 (Council District 2): A request for a change in zoning from "R-6" Residential Single-Family District to "C-3" General Commercial District on 8.459 acres out of Block 54, NCB 18274 and 2.64 acres out of NCB 35132, 6320 Rigsby Avenue. Staff recommends denial.

Staff stated there were 18 notices mailed out to the surrounding property owners, 0 returned in opposition and 6 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner Hawkins and seconded by Commissioner Gray to recommend denial.

AYES: Gadberry, McFarland, J. Valadez, Westheimer, Hawkins, Wright, Martinez, Gray
NAY: None

THE MOTION CARRIED

ZONING CASE NUMBER Z2009084 (Council District 2): A request for a change in zoning from "R-6" Residential Single-Family District to "C-3" General Commercial District on 28.145 acres out of NCB 35132, 6440 Rigsby Avenue. Staff recommends denial.

Staff stated there were 8 notices mailed out to the surrounding property owners, 0 returned in opposition and 8 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner Hawkins and seconded by Commissioner Gray to recommend denial.

AYES: Gadberry, McFarland, J. Valadez, Westheimer, Hawkins, Wright, Martinez, Gray
NAY: None

THE MOTION CARRIED

15. ADJOURNMENT

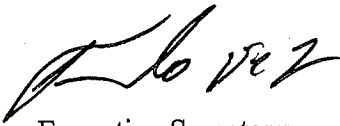
There being no further business, the meeting was adjourned at 3:52 p.m.

APPROVED:

A handwritten signature in cursive script, appearing to read "Don Gadberry".

Don Gadberry, Chairman

ATTEST:

A handwritten signature in cursive script, appearing to read "L. O. V. 2".

Executive Secretary